
By: **Delegates Moe, Bozman, Conway, Glassman, Malone, Parrott, Stull, and
W. Baker**

Introduced and read first time: January 23, 2002

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Provision and Installation of Smoke Alarm Devices and Batteries - Civil**
3 **Immunity**

4 FOR the purpose of providing certain entities with immunity from civil liability
5 arising out of a defect in the design, manufacture, maintenance, or operation of
6 a smoke alarm device or battery that is provided free of charge; providing
7 certain firefighters and fire companies with immunity from civil liability arising
8 out of the installation of a smoke alarm device or battery if the installation is
9 provided free of charge and if, with respect to the installation of a smoke alarm
10 device, the device is tested after installation; specifying that the immunity
11 provided in this Act does not affect the liability of the manufacturer, distributor,
12 or retailer of a smoke alarm device or battery; establishing that this Act does not
13 create certain new causes of action or substantive legal rights; establishing that
14 this Act does not affect certain immunities from civil liability or defenses;
15 providing for the application of this Act; and generally relating to immunity
16 from civil liability for certain entities and individuals who provide or install
17 smoke alarm devices or batteries free of charge.

18 BY adding to
19 Article - Courts and Judicial Proceedings
20 Section 5-641
21 Annotated Code of Maryland
22 (1998 Replacement Volume and 2001 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Courts and Judicial Proceedings**

26 5-641.

27 (A) THE FOLLOWING ENTITIES ARE IMMUNE FROM CIVIL LIABILITY FOR
28 PERSONAL INJURY, WRONGFUL DEATH, PROPERTY DAMAGE, OR OTHER LOSS
29 ARISING OUT OF A DEFECT IN THE DESIGN, MANUFACTURE, MAINTENANCE, OR

1 OPERATION OF A SMOKE ALARM DEVICE OR BATTERY THAT IS PROVIDED FREE OF
2 CHARGE:

3 (1) A NONPROFIT CORPORATION, ORGANIZATION, OR ASSOCIATION
4 THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OR (4) OF THE INTERNAL
5 REVENUE CODE;

6 (2) A UNIT OF STATE OR LOCAL GOVERNMENT OR ANY OTHER
7 GOVERNMENTAL UNIT IN THE STATE; AND

8 (3) A FIRE COMPANY OR VOLUNTEER FIRE COMPANY.

9 (B) THE FOLLOWING ENTITIES AND INDIVIDUALS ARE IMMUNE FROM CIVIL
10 LIABILITY FOR PERSONAL INJURY, WRONGFUL DEATH, PROPERTY DAMAGE, OR
11 OTHER LOSS ARISING OUT OF THE INSTALLATION OF A SMOKE ALARM DEVICE ON A
12 WALL OR CEILING, OR THE INSTALLATION OF A BATTERY IN A SMOKE ALARM
13 DEVICE, IF THE INSTALLATION IS PROVIDED FREE OF CHARGE:

14 (1) A FIRE COMPANY OR VOLUNTEER FIRE COMPANY; AND

15 (2) A CAREER OR VOLUNTEER FIREFIGHTER.

16 (C) THE IMMUNITY PROVIDED IN SUBSECTION (B) OF THIS SECTION DOES NOT
17 APPLY WITH RESPECT TO THE INSTALLATION OF A SMOKE ALARM DEVICE IF THE
18 FIREFIGHTER INSTALLING THE DEVICE DOES NOT TEST THE DEVICE AFTER
19 INSTALLATION.

20 (D) THIS SECTION DOES NOT AFFECT AND MAY NOT BE CONSTRUED AS
21 AFFECTING THE LIABILITY OF A MANUFACTURER, DISTRIBUTOR, OR RETAILER OF A
22 SMOKE ALARM DEVICE OR BATTERY.

23 (E) (1) THIS SECTION DOES NOT CREATE, AND MAY NOT BE CONSTRUED AS
24 CREATING, A NEW CAUSE OF ACTION OR SUBSTANTIVE LEGAL RIGHT AGAINST AN
25 INDIVIDUAL OR ENTITY IDENTIFIED IN THIS SECTION.

26 (2) THIS SECTION DOES NOT AFFECT, AND MAY NOT BE CONSTRUED AS
27 AFFECTING, ANY IMMUNITIES FROM CIVIL LIABILITY OR DEFENSES ESTABLISHED
28 BY ANY OTHER PROVISION OF THE CODE OR AVAILABLE AT COMMON LAW, TO WHICH
29 AN INDIVIDUAL OR ENTITY IDENTIFIED IN THIS SECTION MAY BE ENTITLED.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
31 construed to apply only prospectively and may not be applied or interpreted to have
32 any effect on or application to any cause of action arising before the effective date of
33 this Act.

34 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
35 October 1, 2002.